

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

RICHEKAD JEAN,

Petitioner,

v.

TRACY JOHNS,

Respondent.

CIVIL ACTION NO.: 5:21-cv-31

ORDE

Petitioner Richekad Jean (“Jean”), who is currently housed at the North Lake Correctional Facility in Baldwin, Lake County, Michigan, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2241. Doc. 1. In his Petition, Jean challenges disciplinary proceedings. *Id.*

It is prudent to address the venue of this action. District courts are authorized to grant writs of habeas corpus “within their respective jurisdictions,” 28 U.S.C. § 2241(a), and such writs “shall be directed to the person having custody of the person detained.” 28 U.S.C. § 2243. Therefore, the proper party respondent is the “person who has the immediate custody of the party detained, with the power to produce the body of such party before the court or judge.” Rumsfeld v. Padilla, 542 U.S. 426, 434–35 (2004) (citation omitted). Similarly, because “the court issuing the writ [must] have jurisdiction over the custodian,” in “habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Id.* at 442–43 (citation omitted). To this end, the federal courts of this State maintain a “longstanding practice” of transferring § 2241 habeas petitions to the district of incarceration. 28 U.S.C. § 1631 (“Whenever a civil action is filed in a court . . . and that court finds that there is a want of

jurisdiction, the court shall, if it is in the interest of justice, transfer such action . . . to any other such court . . . in which the action . . . could have been brought”).

The place of Jean’s detention, Lake County, is located in the Southern Division of the Western District of Michigan. 28 U.S.C. § 102(b)(1). Consequently, the Court **ORDERS** this action be **TRANSFERRED** to the United States District Court for the Western District of Michigan, Southern Division. The Court **DIRECTS** the Clerk of Court to transfer this case to the United States District Court for the Western District of Michigan, Southern Division.

SO ORDERED, this 22nd day of April, 2021.



BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA